



AGENDA
RIO DELL PLANNING COMMISSION
SPECIAL MEETING – 6:30 P.M
TUESDAY, DECEMBER 13, 2016
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2016/1213.01 - Approve Minutes of the October 25, 2016 Regular Meeting **(ACTION)** 1

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2016/1213-02 - Adopt Resolution No. PC-107-2016 Approving the Wendt Lot Line Adjustment reconfiguring two approximate 10 acre parcels into two parcels of approximately 15 and 5 acres respectively
(APN Nos. 205-111-012 and 205-111-029)
(DISCUSSION/POSSIBLE ACTION)

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- 2) 2016/1213.03 - Adopt Resolution No. PC-106-2016 recommending the City Council Amend Chapter 17.30.020 "Accessory Uses and Buildings" of the Rio Dell Municipal Code to include Cargo/Shipping Containers used as Accessory Structures **(DISCUSSION/POSSIBLE ACTION)**

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- 3) 2016/1213.04 - Adopt No. PC-105-2016 recommending the City Council Amends Ordinance No. 352-2016 "Commercial Medical Cannabis Land Use Regulations" Section 17.30.195 of the Rio Dell Municipal Code regarding Permit Renewals, Changes to Ownership or Modifications to Premises, Inspections, Cultivation Setbacks, and Definition of "Indoor" Cultivation (**DISCUSSION/POSSIBLE ACTION**) 39

H. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

*The next Regular Planning Commission meeting is scheduled for
Tuesday, January 24, 2016, at 6:30 p.m.*

**RIO DELL PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 25, 2016**

The regular meeting of the Rio Dell Planning Commission was called to order at 6:30 p.m. by Commissioner Woodall.

Present were Commissioners Woodall, Marks, Kemp and Strahan. Absent was Commissioner Angeloff.

Others present were Community Development Director Caldwell and City Clerk Dunham.

CONSENT CALENDAR

Motion was made by Marks/Strahan to approve the consent calendar including approval of minutes of the September 27, 2016 regular meeting. Motion carried 4-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Adopt Resolution No. PC 103-2016 Approving a Conditional Use Permit (CUP) for Brian & Stormi Davis at 1000 Pine St., APN 052-162-061 subject to Conditions of Approval in Exhibit A

Community Development Director Caldwell provided a staff report and said the application is for a Conditional Use Permit (CUP) to construct a 1,500 square foot steel accessory building on a vacant residential parcel. He said the reason the CUP is required is because the property owners are requesting to construct the accessory building prior to construction of the residence and the idea is to ensure that the accessory structure does not preclude the development of the residence and change the character of the principal use of the parcel which is residential.

Community Development Director Caldwell further explained that based on the size and configuration of the parcel and the owner's intent to place a 2,100 square foot residence on the parcel, staff feels the accessory building will be subordinate to the residential use of the parcel.

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He then reviewed the Development Standards for the Urban Residential (UR) zone including building height, setbacks and lot coverage and said the accessory building meets those requirements and will be compatible with the character of the surrounding neighborhood.

He noted that the owner's contacted a number of the property owners in the neighborhood prior to submitting the application to determine if there were any concerns regarding the proposed project. Staff also sent out notices to all neighboring parcels within a radius of 300 feet to allow them the opportunity to comment on the project.

He said the project description was also sent to Public Works, Rio Dell Fire District, and Rio Dell Police Department for their review and comment. He said as a result of that, staff received a response from Rio Dell Fire Chief; Shane Wilson who was under the impression the Pine Street Subdivision was still alive requesting the applicant be required to install two (2) fire hydrants.

Community Development Director Caldwell clarified that the 2013 subdivision was not still alive. He said the conditions of that subdivision included the installation of two (2) fire hydrants; one at the end of North Street and one at the end of Pine Street and those are appropriate conditions for a subdivision however; not appropriate conditions for a single family residential development.

The recommended Conditions of Approval submitted as Exhibit A included a requirement for the applicant to pave the first 25 feet of the driveway off of Pine Street prior the final approval of the Building Permit; an Encroachment Permit; and a requirement that the applicant pay the application processing fees within 30 days of billing by the City.

Discussion continued regarding the location of the proposed cul-de-sac and existing easements.

Community Development Director Caldwell clarified that there are existing easements on North St. but no easement to 1010 Pine St. and that the applicants actually own North Street.

Commissioner Marks expressed concern that people in the past have said they were going to do one thing and then did something else entirely and used the example of

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an accessory building becoming a business such as an auto repair shop or hot rod shop which would create noise and be a disturbance to the neighborhood.

Community Development Director Caldwell commented that there are some cottage industry type businesses allowed in Urban Residential zones such as cabinet shops however; not auto repair shops.

Commissioner Marks indicated that she was against the proposed project at this point but was willing to listen to what others had to say.

Commissioner Woodall referred to a prior applicant who approached the City about putting a metal building on that site and was denied.

Commissioner Strahan expressed concern regarding how effective staff was in contacting affected neighbors and said he knows one person in the neighborhood who was not notified and is not happy with the proposed project as they feel the building is not compatible with the neighborhood.

Community Development Director Caldwell explained the City is required by law to send notices to every property owner within a radius of 300 feet and asked for the name of the person he was referring to.

Community Development Director Caldwell excused himself and went to retrieve the file which included the list of property owners that were sent notices. The property owner in question was Luis Sanchez and Osorio Socorro at 1015 Pine St. who was included on the list.

Commissioner Kemp pointed out that it has been his experience that when you get something with the City's return address it typically gets thrown in the trash.

A public hearing was opened at 6:48 p.m. to receive public input on the proposed Conditional Use Permit (CUP).

Debra Hill-Holberg, 1010 Pine St. addressed the Commission and said her concern is that the applicants are proposing to put up a gate across the road before their property which will prohibit them access to their back yard unless they call the Davis's and ask them to unlock the gate. She said if they would agree to move the gate to allow them access they wouldn't have a problem with the development.

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She also commented that people coming into town will see nothing but a big ugly building and if she was a tourist coming into town or someone looking to purchase property here, she would not want to look at a big metal building.

Community Development Director Caldwell addressed the access issue and said there is a misconception that North Street is a public road but it is actually private property and the Hill's do not have an easement going across that property to get to their gate. He noted that their access is actually off of Pine Street. He suggested they move their 5th wheel trailer to enable access to their back yard.

Ms. Holberg indicated that they had no way to move the trailer; Community Development Director Caldwell then offered his services to move the trailer for them although the offer was not well-received.

Community Development Director Caldwell commented that in regard to the visibility issue coming into town, hopefully the commercial parcel in front of the Davis's parcel will be developed before too long and he understands the Davis's are going to fence the parcel and plant vegetation to not only help screen their property but to help reduce the noise from Wildwood Ave.

Brian Davis addressed the Commission and said they purchased the property to build a home and the easiest cheapest way for them to do that is to put up the shop first for storage and equipment and then next summer after fire season is over they plan to build their home. He said as far as noise, there will be nothing abnormal for a residential neighborhood. He added that with regard to fencing and foliage, they have every intention to make the property resemble a park-like setting.

Bryan Richter, 60 North St., said when the Davis's came to him and discussed their plan he was all for it. He said that he is a builder but they are not having him build it. He said to address concerns regarding noise, as a contractor he sometimes works at home out of his shop but tries to make sure everything is shut down by 8:00 p.m. and believes Brian Davis would be the same way and respect the neighbors. He pointed out that he is not moving in to disturb the neighborhood; he's moving in because he wants it to be his home. He also noted that he has lived on that street for 25 years and Carol Hill is probably the only neighbor that has lived there even longer. He said he understands her concerns but as far as the gate, unfortunately the access to that gate is through private property. In addition, the Hill's do have

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access to their back yard and if the travel trailer was moved, they could get to their back yard through that space as well.

He pointed out that the Hill's gate has been there for a long time but that field has also been vacant for a long time. He said he grew up there and would like it to remain vacant but the reality is that it's 2016 and development is going to happen.

Ralph Roberts, 948 Rio Dell Ave. said he will have to look at it every day and as long as it looks respectable he has no problem. He said they may need to fence the property but welcomes any new business in the City.

Stormi Davis clarified that the proposed shop is strictly for residential use and will not be used as a business.

There being no further public comment, the public hearing closed.

Commissioner Marks commented that she has been here long enough to know that people's intentions change and asked if there is a way to ensure the applicants make the project appealing. In the drawing, the building looks like a metal structure with rollup doors and not a wood building.

Brian Davis responded to her concern and said the proposed garage is for storage and again their intent is to create a park like setting of the property. He said in 2-3 years when the trees and foliage mature and the fence is up, the garage won't even be seen from the road. He added that he understands that things don't always develop as planned but in this situation, they have two teenage sons and have outgrown their home. He stated that everything they have said is honest and forthright and they simply need a little time (1 ½ years) to complete the project. He noted that they will also be installing culvert style drainage which will alleviate some of the existing drainage problems the neighbors are experiencing.

Community Development Director Caldwell explained that the storm water flows off the bank from Wildwood Avenue down into the yards of the eight (8) houses between Pine and Painter Street and also flows down North Street. He said the Davis's have actually offered to put in and maintain a drainage swale that will run parallel to Wildwood Avenue and head east down North Street to a drainage inlet; from there over to the drainage ditch and under the freeway.

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Commissioner Marks asked if the drainage improvements are part of the Conditions of Approval.

Community Development Director Caldwell said the drainage improvements are on their plans but not included as part of the Conditions of Approval. He pointed out that the Davis's are actually trying to avoid the drainage hitting their property and are going beyond that on their own. He noted that they have been in conversations with Randy Jensen, the City's Streets Superintendent and it's a win-win situation for everybody.

Stormi Davis commented that Bryan Richter and another contractor in the neighborhood actually offered them the use of their equipment in order to help to alleviate some of the drainage problems in the area.

Commissioner Marks asked if the drainage improvements and trees can be included in the Conditions of Approval.

Community Development Director Caldwell said if the applicants agree, the Conditions of Approval could be revised but if they don't agree, the City would have to have a reasonable nexus on the improvements or they can't require them.

Brian Davis stated that they have already agreed and the improvements were spelled out in the proposal as submitted.

Community Development Director Caldwell commented that the Conditions of Approval could be revised to require landscaping, a fence, and drainage improvements as proposed by the applicants if they agree.

Bryan Richter asked to address the Commission once again and said what he understands is that the plantings and those things are a requirement to build.

Commissioner Marks explained her concern and said the reason she is asking for these things is that over the years she has seen people come in and offer to do wonderful things and then don't. She referred to a property owner who applied for a variance to construct a playhouse on the property line which in time turned into

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an office then a garage. She said she would like to see something in writing to protect everyone concerned.

Bryan Richter commented that it seems what Commissioner Marks is saying is that aesthetically what people see today when they drive into town is preferable to seeing an improvement to the property. He said he doesn't believe the Davis's are going to do something that's going to detract from the view and that what people are going to see is worse than what they see today. He said even if it's a steel building, it's not going to matter because the first thing they will is an improvement which is what is really important. He questioned why any of the Commissioners would fight this because regardless of anything else, these people are here and willing to invest in our community.

He pointed out that there's no guarantee anyone is going to wake up tomorrow so how can the City demand them to plant for example 50 trees, 200 bushes and make sure the whole place is sod and has a creek bed and its beautiful and that they can hear the water babbling from down the brook trail.

He added that these people want to simply build a house and in order to do this they need a staging area. He said as a builder and developer he understands the purpose of constructing a shop first and unfortunately in today's times if it isn't nailed down, bolted down or has a guard dog attached to it, it won't be there in the morning. He said if the Commission looks at it with the "what-ifs" or "what could have been" nothing will ever get done. He suggested the Commission look at it as an improvement to Rio Dell. He reiterated that these people want to invest money here and once the house is built, it will generate property taxes for the City.

Community Development Director Caldwell pointed out that if the Davis's were building their house first, no one would even be having this conversation.

Debra Hill-Holberg commented that she has lived here for 54 years and as a child there were no other houses there. She said after houses were built on Painter and Pine St. the parcels began flooding and now more development is being proposed and the city wants them to move a 5th wheel trailer that can't be moved. She said now all you do is smell "pot" in the neighborhood.

Stormi Davis commented that they don't want to make enemies with the Hill's and that they are tax paying, law abiding citizens and have no ill intentions to make the

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property unattractive. She said Brian is a correctional officer and she has a cookie business and they want Rio Dell to remain as their home.

Commissioner Marks assured the Davis's that her comments were not meant to be personal.

Brian Davis stated that as far as the smell of pot in the neighborhood he wanted to point out that he has been in law enforcement for 17 years and that he has no intention of jeopardizing his pension, his career or his family by growing marijuana and said what other people do is their business but he doesn't partake in it and there will be no such activity on his property.

Commissioner Strahan stated that he sees where Commissioner Marks is coming from but believes the applicants have good intentions. He said his mother lives in Arcata and when you build in Arcata, they dictate what color you paint your house and what kind of scrubs you put in.

Commissioner Woodall reported that she did go to Carol Hill's house and speak to her about this issue but everything the Davis's are going to do meet the City's zoning requirements and as such she can't see why the Commission would deny the CUP. She said if someone doesn't like the rules they can try and change them but at this point the applicants are in compliance and they should be allowed to move forward with their project.

Community Development Director Caldwell explained that legally the City can't deny the CUP or it could be subject to legal challenge. He said he doesn't think there's any reason to turn it down. He pointed out that some metal buildings are pretty nice, especially when you break up the lines with some horizontal and vertical lines and that this particular building isn't like the old rounded metal buildings seen around. He said as Mr. Davis indicated, this building is to mimic a stick built structure and once the fence is built, not much of the structure will even be visible as the building code allows for seven (7) foot high fences.

He stated that he actually got a call from someone interested in purchasing the commercial strip along Wildwood Ave. and since design review is required for all commercial development, at such time that is developed, the Commission may want to require a twelve (12) foot fence or block wall to delineate the commercial property from the residential neighborhood.

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Motion was made by Kemp/Strahan to adopt Resolution No. PC-103-2016 approving the Conditional Use Permit for Brian and Stormi Davis subject to the Conditions of Approval in Exhibit A as revised. Motion carried 4-0.

Adopt Resolution No. PC-104-2016 recommending the City Council Amend Chapter 17.40, "Enforcement", Sections 17.40.020, 17.40.030, 17.40.040, and 17.40.050 of the Rio Dell Municipal Code (RDMC)

Community Development Director Caldwell provided a staff report and said during preparation of the Commercial Cannabis Medical Land Use Ordinance (CMCLUO), staff discovered that the enforcement provisions of the Zoning Regulations seemed to be outdated and were not consistent with the enforcement provisions of the Nuisance Regulations adopted in 2014.

He explained that the current "Enforcement" provisions under Chapter 17.40.020 of the RDMC establishes a fine of \$500.00 for violation of any of the provisions of the regulations whereas; the Nuisance Regulations establishes a \$1,000 fine and is cumulative each day and every day the violation continues to exist. He said the idea is to incorporate the same provisions in the "Enforcement" provisions under Chapter 17.40.020 as the Nuisance Regulations so they are consistent. He said the amendment will also provide greater ability for the City to enforce the regulations and recover costs.

A public hearing was opened to receive public input on the proposed resolution.

There being no public comment, the public hearing closed.

Motion was made by Marks/Kemp to adopt Resolution No. PC-104-2016 recommending that the City Council amends Chapter 17.40, "Enforcement", Sections 17.40.020, 17.40.030, 17.40.040, and 17.40.050 of the Rio Dell Municipal Code (RDMC). Motion carried 4-0.

Discussion on Regulations for Cargo/Shipping Containers used as Accessory Structures

Community Development Director Caldwell provided a staff report and said this item was brought before the Planning Commission at the last meeting and said as they are aware; staff is approached from time to time regarding the use of cargo containers, primarily in residential zones. He said typically the people who call are concerned about the visual of a cargo container in their neighborhood. As such, staff

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thought it would be a good idea to start a dialog to see what the Commission wants to do, if anything as there currently is no regulations on the books regarding cargo containers in residential, commercial or industrial zones in the City.

He commented that staff did send out notices to residents with cargo containers so they could attend the meeting and comment on the subject.

Community Development Director Caldwell then reviewed some of the possible performance standards the Commission might want to consider including whether or not to require a Building Permit; whether to require cargo containers to have a man door; whether they are required to be placed on a gravel surface as opposed to dirt or grass; or whether they should be required to be painted a solid neutral color or the same color as the residence.

He noted that they would of course, have to meet setback requirements and comply with lot coverage provisions of the zoning code.

He said there were a number of residents present who currently have cargo containers on their property who would like to address the Commission and as such recommended the Commission open discussion up to try and create dialog.

Community Development Director Caldwell commented that another provision the Commission should consider is whether there should be a limit on the number of cargo containers on a parcel and if so, if it should be based on parcel size. Also, to consider is whether the containers must be located on the rear portion of the parcel and if they should be required to be screened.

Commissioner Kemp commented that his main concern is the limit on the number of cargo containers on a parcel and thought it should be based on parcel size.

Commissioner Strahan stated that he would like to hear from the public and said if the Commission is going to require containers be located on the rear portion of the parcel, he wanted to know if it would be feasible for some of the existing cargo containers.

Commissioner Woodall opened the discussion for public comment.

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Tim Roscoe, 100 Painter St. addressed the Commission and said that he understands the need for a certain amount of regulation but seems the City has enough regulation as it is. He suggested that the City may be overstepping by considering regulations that aren't really needed. He said he understands the need for setbacks and aesthetics but noted that these containers are typically temporary structures and doesn't feel any type of foundation is necessary, even a gravel base. He noted that he didn't feel a Building Permit should be required and said his biggest concern has to do with the requirement to have a man door. He said he understands it's a safety issue and someone locked in one of these containers could be catastrophic but it seems installing a man door would be cost prohibitive.

He understood the reason for placing containers on the rear portion of the parcel and screening them and said he had no problem with painting them a neutral color. He noted that he currently has two (2) 8' x 20' containers and is thinking about purchasing a couple more as they provide a cheap alternative for secure storage.

Kathy Wildgrube, 6 Painter St. commented that she also has two (2) 8' x 20' cargo containers and after she received the letter from the City she painted them a neutral color as suggested. She said she doesn't like the idea of the access door and the containers as they are, are very secure. She commented that she uses one of the containers for firewood and the other one to store family heirlooms. She pointed out that they are cheaper than a stick built structure and with over an acre of land, she doesn't want to have to rent off-site storage units.

Terry Hayse from Caltrans commented that they currently have nine (9) cargo containers in their yard on Eeloa Ave. in the industrial zone which is utilized for temporary storage of equipment. He said the only proposed regulation he agrees with is that they be painted a neutral color.

Rebecca Drake addressed the Commission and said she is hoping to sell cargo containers at the Sawmill Annexation area and that today she applied for a Business License with the City. She said that there is a huge need for cargo containers in this area and would hate to have to pull the plug after investing a lot of money to start the business.

Kathleen Kemp commented that she would like to see a limit on the number of containers on a single parcel as well as on the total number of cargo containers in residential zones.

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Straw votes of the Commissioners were taken on each of the proposed cargo container regulations in residential zones with the following results:

- | | | |
|--|---|-----------|
| • Building Permit requirement | - | No - 4-0 |
| • Man Door requirement | - | No - 4-0 |
| • Lot developed with primary residential use | - | Yes - 4-0 |
| • Gravel pad/all weather surface | - | No - 4-0 |
| • Placement on rear half of lot | - | Yes - 4-0 |
| • Must not exceed allowable lot coverage | - | Yes - 4-0 |
| • Setback compliance | - | Yes - 4-0 |
| • Neutral paint color or match residence | - | Yes - 4-0 |
| • Containers cannot be stacked | - | Yes - 4-0 |
| • Screened w/vegetation or fence | - | No - 4-0 |
| • Limitation on size/number based on Parcel size | - | Yes - 4-0 |

Discussion continued regarding the number of cargo containers based on parcel size as follows:

- | | | |
|--|---|--------------|
| • Parcels < 10,000 sq. ft. | - | 1 (8' x 20') |
| • Parcels > than 10,000 up to 20,000 sq. ft. | - | 2 |
| • Parcels > 20,000 up to 1 acre | - | 3 |
| • Parcels > than 1 acre | - | 4 |

Next was discussion regarding cargo containers in zones other than residential.

Community Development Director Caldwell commented that he would not recommend allowing cargo containers in the Town Center (TC) zone. Commissioners concurred.

Community Development Director Caldwell said he has no problem with cargo containers in Industrial Commercial zones provided they are painted a neutral color. Commissioners concurred as well as Mr. Hayse (Caltrans representative).

With regard to the Neighborhood Commercial (NC) and Community Commercial (CC) zones, Community Development Director Caldwell pointed out that Kreations have a number of cargo containers on the back side of the parcel and he has talked

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to the property owner and he has no problem painting the containers to match the main building and making them as minimally visible as possible.

Commissioner Marks questioned the danger of having flammable materials in the containers with regard to the close proximity to the school.

Community Development Director Caldwell noted that he actually walked through the containers and that they are only used to store car parts and no flammable materials. He commented that he believes the Fire Department also does an annual inspection of businesses for safety purposes.

Commissioner Woodall questioned the cargo container located next to the front of the building 101 Auto Parts on Center St.

Community Development Director Caldwell said he wasn't sure what is stored in that container but there are exception provisions in the ordinance so he would recommend that case come to the Commission where the property owner would have to justify the reason for having the container. He noted that would also apply to Mike Ward's business at 23 Center St.

Commissioners concurred to allow cargo containers in the NC and CC zones provided they are painted a neutral color and located at the rear half of the parcel; also allowing for an exception provision.

ADJOURNMENT

Motion was made by Commissioner Marks/Kemp to adjourn the meeting at 8:07 p.m. to the November 22, 2016 regular meeting. Motion carried 4-0.

Attest:

Julie Woodall, Acting Chair

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: December 13, 2016

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: December 8, 2016

Subject: **Wendt Lot Line Adjustment:** A lot line adjustment between two parcels of about 10 acres each. The lot line adjustment will reconfigure the parcels into two parcels of about 15 and 5 acres respectively.

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed lot line adjustment;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Find that the proposed lot line adjustment is consistent with the Rio Dell General Plan, Zoning and Building Regulations, the Subdivision Map Act and is Categorically Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations
4. Adopt Resolution No. PC 107-2016 approving the proposed lot line adjustment.

Summary

Wendt Construction recently submitted an application for a lot line adjustment between two parcels of about 10 acres each. The lot line adjustment will reconfigure the parcels into two parcels of about 15 and 5 acres respectively.

Based on a review of the Preliminary Title Report, current deeds and creation deeds, staff has determined that the four parcels are legal, separate parcels created in compliance with the Subdivision Map Act and local regulations. See below:

Parcel Creation Information		
APN	Creation Type	Document - Date
205-111-012	Deed – Notice of Lot Line Adjustment and Certificate of Subdivision Compliance.	Book 249, Page 107 OR – March 1, 1991. Current parcel was created by previous lot line adjustment when in the County jurisdiction.
205-111-029	Deed – Notice of Lot Line Adjustment and Certificate of Subdivision Compliance.	Original parcel Book 362, Page 229 OR – October 18, 1955. Parcel was created by conveying a portion, Hampton to Johnson, Book 657, Page 598 OR – October 24, 1961. Current parcel was created by previous lot line adjustment.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

The applicant has submitted evidence in support of making the required findings. Lot line adjustments *shall* be approved if the required findings can be made. Therefore staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Section 16.35.030 Rio Dell Municipal Code (RDMC).

A lot line adjustment shall be approved or conditionally approved when there is compliance with all of the following approval criteria:

- (1) The application is found to be complete; and
- (2) Either (a) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (b) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment; and
- (3) The proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances.

Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with the General Plan, Zoning and Building ordinances.

Staff Analysis

1. Complete Application

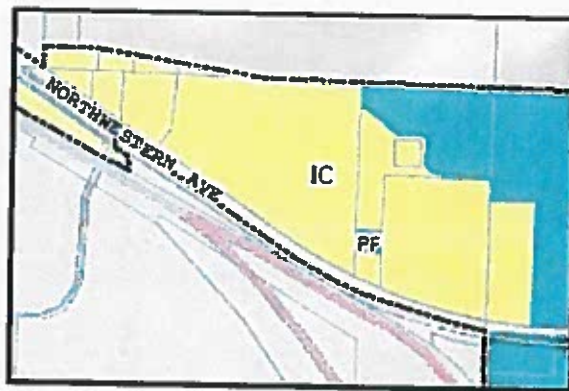
The applicant has submitted the required application materials including the map/plot plan illustrating the proposed lot line adjustment, copies of the current deeds, creation documents and copies of a Preliminary Title Report (PTR) for each of the parcels.

2. Subdivision Map Act Compliance

As previously indicated, the parcels were created in compliance with State and local regulations. The current and creation deeds/documents are included as Attachment 1.

3. General Plan, Zoning and Building Ordinance Consistency

The parcels are planned and zoned Industrial Commercial (IC) and a portion (the hillside) of APN 205-111-029 (Parcel F) is designated Natural Resources. The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. The minimum parcel size is 20,000 square feet. The primary purpose of the Natural Resource zone is to provide natural resource protection. There is no minimum parcels size for the Natural Resource designation.



A copy of the Industrial Commercial and Natural Resource development standards are included as Attachment 2.

The proposed lot line adjustment does not result in any nonconformity in regards to setbacks or lot coverage and does not require the relocation of any easements or utilities.

Based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed lot

line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations.

4. California Environmental Quality Act (CEQA)

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot lines adjustment with an average slope of less than 20% and does not result in any changes in land use or density.

Attachments:

Attachment 1: Project Referral and Maps

Attachment 2: Conditions of Approval

Attachment 3: Resolution No. PC 107-2016

Wendt Lot Line Adjustment
APN No's. 205-111-012 & 029; Case No. LLA 16-03

Conditions of Approval

Approval of the Lot Line Adjustment is conditioned upon the following terms and requirements:

1. The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

2. A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:

(a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.

(b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.

(c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).

3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

4. Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion any one of the following findings can be made:

- (a) The new boundary line(s) are already adequately monumented of record.
- (b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
- (c) The new boundary line(s) can be accurately described and located from existing monuments of record.
- (d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

5. The applicants shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the lot line adjustment have been paid in full if payable, or secured if not payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to submitting the required conditions of approval.

6. The applicant shall pay the application processing fees within 30 days of billing.

Informational Note:

- 1. Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.



675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

Community Development Department

Project Referral

Date: November 2, 2016

- To: ☒ Public Works
☒ Rio Dell Fire District
☒ Rio Dell Police Department
☒ County Environmental Health
☐ County Planning Department
☒ Regional Water Quality Control Board

- ☒ Fortuna Fire District
☒ Rio Dell City Manager
☒ Department of Toxics and Substance Control
☒ Caltrans District #1
☐ Fish and Wildlife
☒ Applicant/Agent

Applicant: Wendt Construction
Address: 1660 Newburg Road
City/State/Zip: Fortuna, CA. 95540
Telephone: (707) 725-5641
Email: wc@wendtco.com

Agent: _____
Address: _____
City/State/Zip: _____
Telephone: _____
Email: _____

Assessor Parcel Number(s): 205-111-012 & 205-111-029

General Plan/Zoning: Industrial Commercial

Project Description: A lot line adjustment between two parcels of about 10 acres each. The lot line adjustment will reconfigure the parcels into two parcels of about 15 and 5 acres respectively.

Project Location: The project site is located at the former Eel River Sawmill site, known as 1053 Northwestern Ave.

Please review the attached information regarding the above referenced project and provide your comments with any recommended conditions of approval **within 15 calendar days** of the above date. If no response is received or a request for an extension is not received within 15 calendar days of the above date, it will be assumed that your agency has no comments or concerns regarding the project. **The project is scheduled to be heard at the Planning Commission meeting of November 22, 2016.**

If you have any questions concerning the project, please contact Kevin Caldwell, Community Development Director between 8:00 a.m. and 5:00 p.m. Monday through Friday at (707) 764-3532.

We have reviewed the above referenced application and recommend the following (please check one):

- ☐ Recommend approval. The Department has no comment at this time.
☐ Recommend conditional approval. Suggested conditions attached.
☐ Other comments:

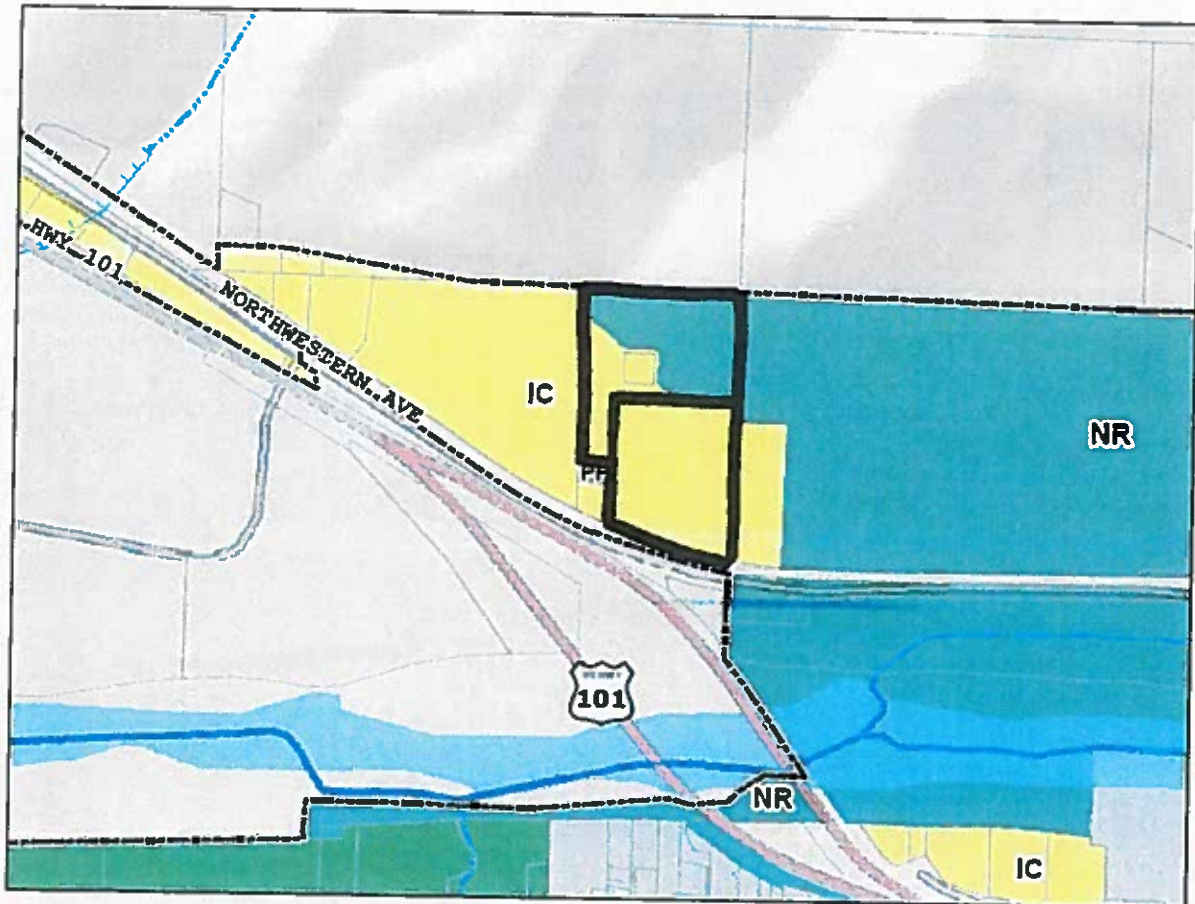
Print Name: _____

Date: _____

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



Wendt Lot Line Adjustment
File No. 205-111-012 & 029 et al; Case No. LLA 16-03
Date: December 2016

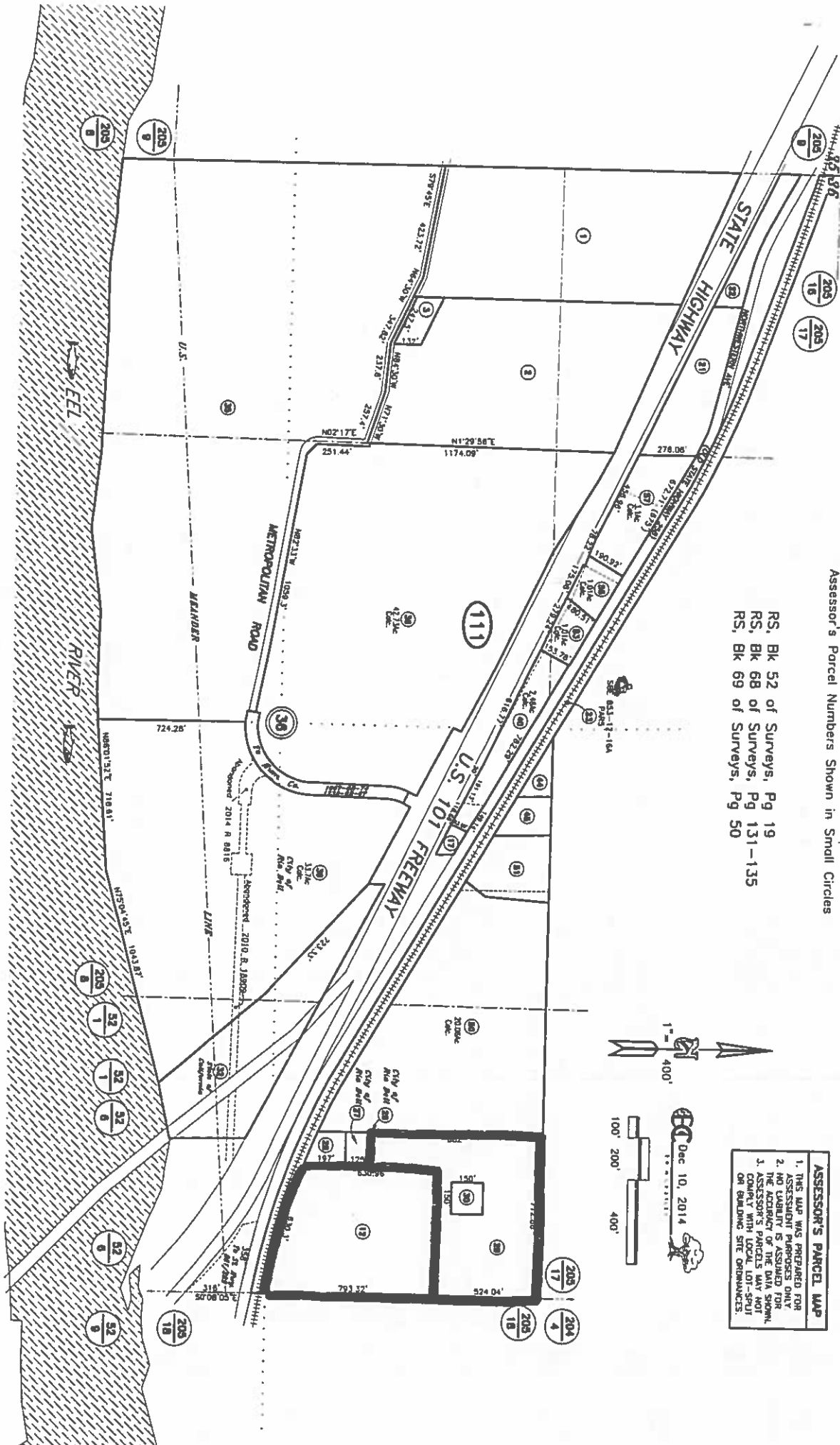
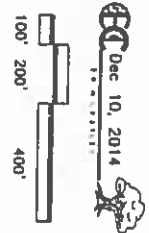
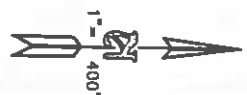


Applicant: <u>Wendt Construction</u>	Agent: _____
Address: <u>1660 Newburg Road</u>	Address: _____
City/State/Zip: <u>Fortuna, CA. 95540</u>	City/State/Zip: _____
Telephone: <u>(707) 725-5641</u>	Telephone: _____
Email: <u>wc@wendtco.com</u>	Email: _____
Assessor Parcel Number(s): <u>205-111-012 & 205-111-029</u>	General Plan/Zoning: <u>Industrial Commercial</u>
Project Description: A lot line adjustment between two parcels of about 10 acres each. The lot line adjustment will reconfigure the parcels into two parcels of about 15 and 5 acres respectively. Project Location: The project site is located at the former Eel River Sawmill site, known as 1053 Northwestern Ave.	

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Small Circles

RS, Bk 52 of Surveys, Pg 19
 RS, Bk 68 of Surveys, Pg 131-135
 RS, Bk 69 of Surveys, Pg 50

ASSESSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSES ONLY
 2. NO LIABILITY IS ASSURED FOR
 THE ACCURACY OF THE DATA SHOWN
 3. ASSESSOR'S PARCELS, DATA SHOWN
 COUNTY WITH LOCAL LOT-SPOT
 OR BUILDING SITE OBSTRUCTIONS.



**Wendt Lot Line Adjustment
APN No's. 205-111-012 & 029; Case No. LLA 16-03**

Conditions of Approval

Approval of the Lot Line Adjustment is conditioned upon the following terms and requirements:

1. The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

2. A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:

(a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.

(b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.

(c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).

3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

4. Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion any one of the following findings can be made:

- (a) The new boundary line(s) are already adequately monumented of record.
- (b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
- (c) The new boundary line(s) can be accurately described and located from existing monuments of record.
- (d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

5. The applicants shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the lot line adjustment have been paid in full if payable, or secured if not payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to submitting the required conditions of approval.

6. The applicant shall pay the application processing fees within 30 days of billing.

Informational Note:

1. Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.

RESOLUTION NO. PC 107-2016



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING THE WENDT LOT LINE ADJUSTMENT**

WHEREAS Wendt Construction recently submitted an application for a lot line adjustment between two parcels of about 10 acres each.; and

WHEREAS the proposed lot line adjustment will reconfigure the parcels into two parcels of about 15 and 5 acres respectively.; and

WHEREAS the parcels are planned and zoned Industrial Commercial (IC) and a portion (the hillside) of Parcel F (APN 205-111-029) is designated Natural Resources; and

WHEREAS the Industrial Commercial designation requires a minimum parcel size of 20,000 square feet; and

WHEREAS the Natural Resource designation does not specify a minimum parcel size; and

WHEREAS the resulting parcels comply with the requirements of the applicable zones; and

WHEREAS based on a review of the Preliminary Title Report, current deeds and creation deeds, staff has determined that the four parcels are legal, separate parcels created in compliance with the Subdivision Map Act and local regulations; and

WHEREAS the proposed lot line adjustment does not result in any nonconformity in regards to setbacks or lot coverage and does not require the relocation of any easements or utilities; and

WHEREAS the applicant has submitted evidence in support of making the required findings and

WHEREAS the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

WHEREAS based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations; and

WHEREAS the area being adjusted has an average slope of less than 20%; and

WHEREAS staff has determined that the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS pursuant to Section 15305 of the CEQA Guidelines this exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

NOW, THEREFORE, BE IT RESOLVED the City finds that based on evidence on file and presented in the staff report that the proposed lot line adjustment complies with all of the following required findings:

1. That the proposed lot line adjustment is consistent with the City's General Plan; and
2. That the proposed lot line adjustment complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed lot line adjustment complies with the requirements and standards of the City's Building Regulations; and
4. That the proposed lot line adjustment Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the proposed lot line adjustment subject to the recommended conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of December 13, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 107-2016 adopted by the Planning Commission of the City of Rio Dell on December 13, 2016.


Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: December 13, 2016

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: December 8, 2016

Subject: Amending Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures.

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding amending Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures; and
2. Open the public hearing, receive public input and deliberate; and
3. Find that:
 - (a) The proposed text amendment is consistent with the General Plan; and
 - (b) The proposed text amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and
4. Adopt Resolution No. PC 106-2016 recommending that the City Council amend Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures.

Background

As the Commission is aware, the Commission discussed the use of cargo/shipping containers and recommended development standards at the meeting of October 27, 2016. A copy of the Staff Report is included as Attachment 1.

At the meeting of October 27, 2016 your Commission identified development standards. Staff has compiled the recommendations and is presenting them to your Commission for final consideration and recommendation to the City Council. The recommended development standards are included as Attachment 2.

Staff is recommending that Chapter 17.10, Definitions of the RDMC be amended to include the following definition of "Cargo/Shipping Container":

Cargo/Shipping Container means a container made of steel or similar material which is designed for securing and protecting items for transport or storage. Cargo/Shipping containers include, but are not limited to, containers commonly used as shipping containers on ships and railroads, and/or tractor trailers, PODS (Portable On Demand Storage) and other similar units.

Procedural Requirements

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.

- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Findings

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no policies in the General Plan which preclude or discourage the recommended minor text amendments. As such, the proposed amendments are consistent and compatible with the General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed minor text amendments, staff believes there is no evidence to suggest that the minor amendments will have a **significant** effect on the environment.

Attachment 1: Copy of the October 25, 2016 Staff Report.

Attachment 2: Draft Recommended Amendments to Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC).

Attachment 3: Resolution No. PC 106-2016 recommending that the City Council amend Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures.

For Meeting of: October 25, 2016

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: October 20, 2016

Subject: Discussion of Cargo Containers used as Accessory Structures

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the use of cargo/shipping containers used as accessory structures; and
2. Open the public hearing, receive public input and deliberate;
3. Direct Staff to return with any recommended regulations as a result of tonight's meeting.

Background

As previously reported, staff has been contacted a number of times the past few years from those who would like to place and utilize cargo/shipping containers on their parcels and those who have expressed concern regarding the visual appearance of cargo containers. The City does not currently have any regulations regarding the use of cargo/shipping containers used as accessory structures.



Millions of cargo/shipping containers have been manufactured in recent years to accommodate trade between North America and Asia. Used ones are plentiful and inexpensive. Not surprisingly, many property owners have found new uses for them as auxiliary storage buildings. Shipping containers are an increasingly common sight in the City and throughout the nation. In response many jurisdictions have enacted regulations regarding the placement and use of cargo/shipping containers the past few years to protect the character of neighborhoods

and communities, reduce the potential for health and safety hazards, maintain and protect the visual qualities and property values of an area.

It appears based on staff's review that larger urban communities do not allow cargo/shipping containers in residential zones. However, quite a few smaller urban and rural jurisdictions do allow one cargo/shipping container not exceeding 320 square feet in residential zones subject to some common general provisions, including:

- A Building Permit is required;
- A 3' x 6'-8" man door is required;
- Lot must be developed with the primary residential use;
- Unit must be placed on a gravel pad;
- Placed on the rear half of the lot;
- Must meet setback requirements;
- Must not exceed allowable lot coverage;
- Must be painted a solid neutral color (i.e. beige, taupe and browns) or a color(s) to match the residence;
- Containers cannot be stacked;

Some jurisdictions require additional provisions to ensure the residential character and compatibility of the neighborhood, including:

- Be sited or screened so as not to be visible from any public or private road that directly abuts the subject parcel; or
- Be sited behind the primary structure (residence) and not prominently visible from the street;
- Limit the size to 160 square feet (8' x 20') on lots less than 10,000 square feet

Staff is also recommending that cargo/shipping containers be allowed in all zones on a temporary basis when utilized during construction or grading operations for the site where located and when utilized solely for the storage of supplies and equipment that are used for construction or grading on that site.

Staff is recommending that existing cargo containers in residential zones not be considered legal nonconforming uses and that they be brought into compliance within 180 days after the effective date of the ordinance.

In regards to the use of cargo/shipping containers in commercial zones, staff would recommend that they not be allowed in the Town Center (TC) zones other than on a temporary basis during construction or grading operations for the site where located and when utilized solely for the storage of supplies and equipment that are used for construction or grading on that site.

In Community Commercial (CC), Neighborhood Center (NC) and Industrial Commercial (IC) zones staff would recommend the following development standards:

- Must be painted the same color as the building or a solid neutral color (i.e. beige, taupe and browns); and
- Be sited behind the building and not prominently visible from the street;

Staff will be recommending that Chapter 17.10, Definitions of the RDMC be amended to include the following definition of "Cargo/Shipping Container":

Cargo/Shipping Container means a container made of steel or similar material which is designed for securing and protecting items for transport or storage. Cargo/Shipping containers include, but are not limited to, containers commonly used as shipping containers on ships and railroads, and/or tractor trailers, PODS (Portable On Demand Storage) and other similar units.

17.30.020 Accessory Uses and Buildings

(1) A use legally permitted in the zone that is accessory to and subordinate to the principal use of the site and serves a purpose which does not change the character of the principal use. Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a use permit, unless particularly provided in this chapter; provided, that no accessory use shall be conducted on any property in any urban residential, suburban residential or suburban zone unless and until the main building is erected and occupied, or until a use permit is secured. [Ord. 252 § 6.02, 2004.]

(2) Detached accessory buildings in suburban residential, urban residential, residential multifamily and suburban zones shall conform to the following development standards. See "Building Height" definition, Section 17.10.010.

(a) Maximum Building Height

(i) Fifteen feet (15') on lots 20,000 square feet or less.

(ii) Twenty feet (20') on lots larger than 20,000 square feet.

(b) Maximum Gross Floor Area

(i) 1,000 square feet on lots 20,000 square feet or less.

(ii) 1,500 square feet on lots larger than 20,000 square feet.

(3) Exceptions. The Planning Commission may modify by use permit, the height and floor area requirements of this part, upon a showing of good cause. For any such modification, the Planning Commission shall be required to make the following findings:

(a) The proposed modification will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;

(b) The proposed modification will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and

(c) The proposed modification will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

(d) In issuing a use permit, the Planning Commission may require such changes or alterations to the building as it may deem necessary to satisfy the findings specified in this part. Such changes or alterations may include, but shall not be limited to the following:

- Building height

- Building area
- Setback from property line
- Screening or landscaping

(4) Detached accessory buildings may not be located within five feet of any main building, nor within five feet of a side line, nor as to encroach on any easement. Minimum yards: side, five feet, shall have the street side yard of 20 feet; rear, 10 feet.

(5) Detached accessory buildings used as second dwelling units shall not be located within 10 feet of lot lines or within five feet of an alley. The second dwelling unit shall be subject to the minimum yard requirements of the zoning district in which it is located.

(5) Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard requirements except as follows:

(a) A passive solar addition to a main building, as defined herein, may be permitted in the required front, rear, or side yard, except street side yard; provided, that no such addition shall reduce the distance between the main building and the front or rear property line to less than 15 feet, nor less than five feet from a side property line, and that no such addition shall occupy more than five percent of the area of the front or rear yard, nor more than 10 percent of the side yard area. [Amended during 2010 codification; Ord. 252 § 6.21.5, 2004.]

(6) Cargo/Shipping Containers used as accessory structures in Suburban Residential, Urban Residential, Residential Multifamily, Suburban, Rural and Natural Resource zones shall conform with the following development standards:

(a) Parcel must be developed with the primary use;

(b) Containers shall be no more than 8' x 20';

(c) Unit(s) must be placed on the rear half of the parcel;

(d) Must not exceed allowable lot coverage;

(e) Must comply with the setback requirements of the zone;

(f) May not be placed within any easements;

(g) Must be painted a solid neutral color (i.e. beige, taupe and browns) or a color(s) to match the residence;

(h) Containers cannot be stacked;

(g) The allowable number of containers on a parcel shall be based on the size of the parcel as follows:

<u>Parcel Size</u>	<u>Number of Containers</u>
<u>10,000 square feet or less</u>	<u>1</u>
<u>10,001 to 20,000 square feet</u>	<u>2</u>
<u>20,000 to 1 acre</u>	<u>3</u>
<u>Parcels larger than 1 acre</u>	<u>4</u>

(7) Cargo/Shipping Containers used as accessory structures in Community Commercial and Neighborhood Center zones shall conform to the following development standards:

(a) Parcel must be developed with the primary use;

(b) Unit(s) must be placed on the rear half of the parcel;

(c) Must not exceed allowable lot coverage;

(d) Must comply with the setback requirements of the zone;

(e) May not be placed within any easements;

(f) Must be painted a solid neutral color (i.e. beige, taupe and browns) or a color(s) to match the primary building;

(g) Containers cannot be stacked;

(8) Cargo/Shipping Containers used as accessory structures in the Industrial Commercial zone shall conform to the following development standards:

(a) Parcel must be developed with the primary use;

(b) Must not exceed allowable lot coverage;

(c) Must comply with the setback requirements of the zone;

(d) May not be placed within any easements;

(e) Must be painted a solid neutral color (i.e. beige, taupe and browns) or a color(s) to match the primary building;

(f) Containers cannot be stacked;

RESOLUTION NO. PC 106-2016



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT THE CITY COUNCIL AMEND SECTION 17.30.020
ACCESSORY USES AND BUILDINGS OF THE RIO DELL MUNICIPAL CODE (RDMC)
TO INCLUDE CARGO/SHIPPING CONTAINERS USED AS ACCESSORY STRUCTURES.**

WHEREAS staff has been contacted a number of times the past few years from those who would like to place and utilize cargo/shipping containers on their parcels and those who have expressed concern regarding the visual appearance of cargo containers; and

WHEREAS the City does not currently have any regulations regarding the use of cargo/shipping containers used as accessory structures; and

WHEREAS shipping containers are an increasingly common sight in the City and throughout the nation; and

WHEREAS in response many jurisdictions have enacted regulations regarding the placement and use of cargo/shipping containers the past few years to protect the character of neighborhoods and communities, reduce the potential for health and safety hazards, maintain and protect the visual qualities and property values of an area; and

WHEREAS the Planning Commission recommends allowing cargo/shipping containers in certain zones subject to specific development standards intended to protect the character of neighborhoods and maintain and protect the visual qualities and property values of an area; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments is consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments to amend Section 17.30.020 *Accessory Uses and Buildings* of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as accessory structures.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a special meeting of the Planning Commission of the City of Rio Dell on December 13, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 106-2016 adopted by the Planning Commission of the City of Rio Dell on December 13, 2016.


Karen Dunham, City Clerk, City of Rio Dell


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: December 13, 2016

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: December 8, 2016

Subject: Recommended Amendments to Ordinance No. 352-2016 Commercial Medical Cannabis Land Use Regulations Section 17.30.195 Rio Dell Municipal Code

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding amending Ordinance No. 352-2016 Commercial Medical Cannabis Land Use Regulations Section 17.30.195 Rio Dell Municipal Code; and
2. Open the public hearing, receive public input and deliberate; and
3. Find that:
 - (a) The proposed text amendment is consistent with the General Plan; and
 - (b) The proposed text amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and
4. Adopt Resolution No. PC 105-2016 recommending that the City Council amend Ordinance No. 352-2016 Commercial Medical Cannabis Land Use Regulations Section 17.30.195 Rio Dell Municipal Code regarding Permit Renewals, Changes to Ownership or Modifications to Premises, Inspections, Cultivation setbacks in the Industrial Commercial Zone and the definition of "Indoor" cultivation.

Background

The City Council recently adopted Cannabis Activity Permit fees. Based on the fee structure minor amendments are needed regarding Permit Renewals, Changes to Ownership or Modifications to Premises and Inspections. The recommended amendments are below:

(14) Term of Conditional Use Permit: ~~Inspections.~~

- (a) Any Conditional Use Permit issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless the required compliance inspections have been conducted and the permitted site has been found to comply with all conditions of approval and the renewal fee and operation fee submitted.

(a) Permit Renewal. A Permit renewal application, renewal fee and operating fee must be submitted at least forty-five (45) days before the expiration of the Permit. Failure to submit a renewal application prior to the expiration date of the license will result in the automatic expiration of the Permit on the expiration date. A Permit may not be renewed if any violations of or non-compliance with the Permit or these regulations exists. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure the new standards are met.

(15) Changes to Ownership or Modification to Premises.

A Conditional Use Permit is non-transferable to another location, and no transfer to another Owner or modifications to a permitted facility may be made except in accordance with these regulations.

(a) Transfer of Ownership. A request for change in Permit ownership shall be submitted to the City at least sixty (60) days prior to the anticipated transfer, together with the required fee. Requests submitted less than sixty (60) days before the transfer will be processed only in the City's discretion and may be subject to an expedited processing fee. A new Owner(s) shall meet all requirements for applicants of an initial permit. The request shall include the following information:

i. Identify information for the new Owner(s) and management as required by the initial permit application, including names and contact information and Section 17.30.195(i) of the Rio Dell Municipal Code; and

ii. The specific date on which the transfer is to occur; and

iii. Acknowledgement of full responsibility for complying with the existing permit and any conditions attached thereto.

(b) Modifications to the Facility. Prior to making any modifications to a permitted facility, the permittee shall submit to the City, at least thirty (30) days in advance of initiating the modifications, a request for determination of City approvals, together with the appropriate fee. The request shall contain a detailed description to allow the City to determine what, if any permits and/or other approvals are needed.

(16) Inspections

Each permitted activity is subject to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

If the inspector or other City official determines that the site does not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit and License, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

~~(15)~~ (17) Appeal of Annual Inspection Determination

Within ten (10) business days after delivery of the statement of non-compliance, the determination by the inspector that the site is or is not in compliance may be appealed by any interested party to the Planning Commission. The appeal shall be made, in writing, on a form provided by the City. The fee for filing the appeal is based on the adopted fee schedule in effect at the time of the appeal.

- (a) The appeal shall be heard by the Planning Commission within thirty (30) days following the filing of the appeal. The Planning Commission shall render a written ruling on the appeal within three (3) business days following the hearing.
- (b) The decision of the Planning Commission may be appealed to the City Council in accordance with Section 17.35.050 of the Rio Dell Municipal Code. If a timely appeal to the City Council is not filed, the ruling by the Planning Commission shall be final.

(18) Revocation by Operation of Law

Any Conditional Use Permit issued under this Section shall be revoked by operation of law, and without prior notice to the permit holder, in the event the permitted activity is made illegal under the laws of the State of California.

The City shall notify any state license authority, as defined by the MCRSA, whenever the Conditional Use Permit and License has been revoked or terminated.

~~(16)~~ (19) Fees, Taxes and Other Charges

The Council may establish fees, taxes or other charges for a commercial cannabis activity permit by resolution or ordinance. The failure to pay all applicable fees, taxes and other charges when due shall be a violation of the Section as contemplated by subsection 17.30.195(5), above.

Staff is also recommending amending the current cultivation setback requirement of fifty (50) feet in the **Industrial Commercial** zone to zero (0) feet. As the Commission is aware, cultivation activities are allowed in the Industrial Commercial and Natural Resources zones. The originally recommended setback of fifty feet was based on possible cultivation activities in the Rural (R) zoning designation. The Industrial Commercial zone allows a zero (0) foot setback. Below is the recommended language:

(10) Performance Standards for all MCCLUO Cultivation Operations:

- (c) The area of cannabis cultivation shall be located as shown on the application site plan, set back at least 50 feet from any property line in the Natural Resource (NR) zone and 1000 feet from any School. Cannabis cultivation is declared to be development, subject to compliance with Section 17.30.110, Environmentally Sensitive Habitat Area's (ESHA's). For purposes of this section, where enhanced, reduced, or modified watercourse or wetland setbacks have been agreed to by the operator and the RWQCB under enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan, these may control and supersede any setback applied pursuant to Section 17.30.110.

Staff was recently approached by a potential permittee regarding indoor cultivation in a building (not a greenhouse by definition) with a clear roof. The idea is to reduce energy consumption by supplementing the indoor grow with sunlight. Apparently this type of cultivation is gaining popularity due to its ability to reduce energy consumption associated with indoor cultivation. This building type is a hybrid between the "indoor" and mixed light definition. See below:

"Indoor" means indoor cultivation using exclusively artificial lighting.

"Mixed-Light" means cultivation occurring in a greenhouse using a combination of natural and supplemental artificial lighting at a maximum threshold as set forth in

performance standards in Section 17.30.190(8) of this ordinance, or as to be determined by the Department of Food and Agriculture, whichever is less.

Staff is recommending that the "indoor" definition be amended as follows:

"Indoor" means indoor cultivation using exclusively artificial lighting or a combination of artificial lighting and natural sunlight in a building with a glass, polycarbonate plastic or similar roof.

Procedural Requirements

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Findings

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no policies in the General Plan which preclude or discourage the recommended minor text amendments. As such, the proposed amendments are consistent and compatible with the General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed minor text amendments, staff believes there is no evidence to suggest that the minor amendments will have a **significant** effect on the environment.

Attachments

Attachment 1: Resolution No. PC 105-2016 recommending that the City Council amending Ordinance No. 352-2016 Commercial Medical Cannabis Land Use Regulations Section 17.30.195 Rio Dell Municipal Code regarding Permit Renewals, Changes to Ownership or Modifications to Premises, Inspections, Cultivation setbacks in the Industrial Commercial Zone and the definition of "Indoor" cultivation.

RESOLUTION NO. PC 105-2016



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT THE CITY COUNCIL AMEND ORDINANCE NO. 352-2016
COMMERCIAL MEDICAL CANNABIS LAND USE REGULATIONS SECTION 17.30.195
RIO DELL MUNICIPAL CODE REGARDING PERMIT RENEWALS, CHANGES TO
OWNERSHIP OR MODIFICATIONS TO PREMISES, INSPECTIONS, CULTIVATION
SETBACKS IN THE INDUSTRIAL COMMERCIAL ZONE AND THE DEFINITION OF
"INDOOR" CULTIVATION.**

WHEREAS the City Council recently adopted Cannabis Activity Permit fees; and

WHEREAS based on the fee structure minor amendments are needed regarding Permit Renewals, Changes to Ownership or Modifications to Premises and Inspections; and

WHEREAS cultivation activities are allowed in the Industrial Commercial and Natural Resources zones; and

WHEREAS the Planning Commission recommends amending the current the current regulations regarding Permit Renewals, Changes to Ownership or Modifications to Premises and Inspections; and

WHEREAS the Industrial Commercial zone allows a zero (0) foot setback from property for structures; and

WHEREAS the originally recommended setback of fifty feet was based on possible cultivation activities in the Rural (R) zoning designation; and

WHEREAS the Planning Commission recommends amending the current cultivation setback requirement of fifty (50) feet in the Industrial Commercial zone to zero (0) feet; and

WHEREAS staff was recently approached by a potential permittee regarding indoor cultivation in a building (not a greenhouse by definition) with a clear roof; and

WHEREAS the concept of a building with a clear roof is to reduce energy consumption by supplementing the indoor grow with sunlight; and

WHEREAS apparently this type of cultivation is gaining popularity due to its ability to reduce energy consumption associated with indoor cultivation; and

WHEREAS the Planning Commission recommends modifying the definition of “indoor” to include a combination of artificial lighting and natural sunlight in a building with a glass, polycarbonate plastic or similar roof; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments is consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments to amend Ordinance No. 352-2016 Commercial Medical Cannabis Land Use Regulations Section 17.30.195 Rio Dell Municipal Code regarding Permit Renewals, Changes to Ownership or Modifications to Premises, Inspections, Cultivation setbacks in the Industrial Commercial Zone and the definition of “Indoor” cultivation.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a special meeting of the Planning Commission of the City of Rio Dell on December 13, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 105-2016 adopted by the Planning Commission of the City of Rio Dell on December 13, 2016.

Karen Dunham, City Clerk, City of Rio Dell